

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID JORDAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:18-cv-228-SPB-RAL
)	
LIEUTENANT MURIN, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This prisoner civil rights action was received by the Clerk of Court on August 16, 2018 and referred to the undersigned, then a United States Magistrate Judge, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. Six days later, the Court granted Plaintiff's motion for leave to proceed *in forma pauperis* and directed that his complaint be filed. ECF No. 2. In September 2018, the undersigned was sworn in as a United States District Judge, and this matter was transferred to United States Magistrate Judge Richard A. Lanzillo for all pretrial proceedings. ECF No. 9.

On December 28, 2018, a motion to dismiss was filed by Dr. Alpert, Dr. Eslenberg, and Heather McKeel (the "Medical Defendants"). *See* ECF No. 38. On January 14, 2019, a motion to dismiss was filed by Defendants Murin, Kosarek, Lutz, LaRoche, Cochran, Palmer, Jordan, Drayer, Baumcratz and Griffin (the "DOC Defendants"). *See* ECF No. 44.

On July 23, 2019, the undersigned became the presiding United States District Judge in this matter. Two days later, on July 25, 2019, Magistrate Judge Lanzillo issued a report and recommendation, opining that the Medical Defendants' motion to dismiss should be denied and that the DOC Defendants' motion to dismiss should be granted as to Defendant Palmer only, and

otherwise denied. Magistrate Judge Lanzillo further recommended that the claims against Defendant Palmer be dismissed with prejudice, on the grounds that they are time-barred. ECF No. 60.

Objections to the report and recommendation were due on or before August 12, 2019. To date, no objections have been filed.

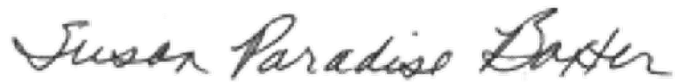
After *de novo* review of the complaint and documents in the case, together with the Magistrate Judge's report and recommendation, the following order is entered:

AND NOW, this 23rd day of August, 2019;

IT IS ORDERED that the motion to dismiss filed by Dr. Alpert, Dr. Eslenberg, and Heather McKeel, ECF No. [38], shall be, and hereby is, DENIED.

IT IS FURTHER ORDERED that the motion to dismiss filed by Defendants Murin, Kosarek, Lutz, LaRoche, Cochran, Palmer, Jordan, Drayer, Baumcratz and Griffin, ECF No. [44], shall be, and hereby is, GRANTED as to Defendant Palmer only, and the claims against Defendant Palmer are hereby DISMISSED with prejudice. In all other respects, said motion is DENIED.

IT IS FURTHER ORDERED that the report and recommendation issued by Magistrate Judge Lanzillo on July 25, 2019, ECF No. [60], is hereby adopted as the opinion of this Court.

A handwritten signature in cursive script, reading "Susan Paradise Baxter".

SUSAN PARADISE BAXTER
United States District Judge